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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

AFFINITY CREDIT UNION et al.,  
  
Plaintiffs,  
  
v.  
  
APPLE INC.,  
  
Defendant.

CASE NO. 4:22-cv-04174-JSW

**DEFENDANT APPLE INC.'S  
ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER THIRD PARTY  
MASTERCARD INCORPORATED'S  
MATERIAL SHOULD BE SEALED  
PURSUANT TO LOCAL RULE 79-5(f)**

The Honorable Jeffrey S. White

Pursuant to Civil Local Rules 7-11 and 79-5(f), Defendant Apple Inc. (“Apple”) submits this administrative motion to consider whether third party MasterCard Incorporated’s material referenced in the Expert Report of Justin McCrary<sup>1</sup> should be sealed.

This administrative motion is based on MasterCard Incorporated’s designation of information referenced in the Expert Report of Justin McCrary as Confidential or Highly Confidential pursuant to the Protective Order Regarding the Disclosure and Use of Discovery Material entered in this case. *See* ECF No. 74. This information is highlighted in the version filed under seal.<sup>2</sup>

The following documents, or portions thereof, contain material designated as confidential:

#### EXPERT REPORT OF JUSTIN MCCRARY

Portion of Expert Report Sought to be Sealed	Designating Party
¶ 156	MasterCard Incorporated
Ex. 6	MasterCard Incorporated
¶ 157	MasterCard Incorporated
Fn. 352	MasterCard Incorporated
Fn. 354	MasterCard Incorporated
Ex. 8	MasterCard Incorporated
¶ 171	MasterCard Incorporated
Ex. 9	MasterCard Incorporated
Ex. 10	MasterCard Incorporated
Fn. 397	MasterCard Incorporated
Fn. 494	MasterCard Incorporated
¶ 319	MasterCard Incorporated
Ex. 16	MasterCard Incorporated
Appx. C Ex. 17	MasterCard Incorporated
Appx. C ¶ 343	MasterCard Incorporated
Appx. C ¶ 344	MasterCard Incorporated
Appx. C Fn. 550	MasterCard Incorporated
Appx. C Fn. 551	MasterCard Incorporated
Appx. C Fn. 553	MasterCard Incorporated
Appx. C Fn. 556	MasterCard Incorporated
Appx. C Fn. 558	MasterCard Incorporated
Appx. C Fn. 561	MasterCard Incorporated
Appx. C Fn. 562	MasterCard Incorporated
Appx. D Fn. 605	MasterCard Incorporated

<sup>1</sup> The Expert Report of Justin McCrary is filed as Exhibit 1 to the Declaration of Belinda S Lee in Support of Apple’s Opposition to Plaintiffs’ Motion for Class Certification and as Exhibit 1 to the Declaration of Belinda S Lee in Support of Apple’s Motion to Exclude Testimony of Christopher Vellturo, PhD.

<sup>2</sup> Redactions of MasterCard Incorporated’s materials are designated with red highlighting in the attached motion.

Pursuant to Local Rule 79-5(f), MasterCard Incorporated has seven (7) days to file a declaration identifying the designated material they contend is “sealable” (as defined in Local Rule 79-5(c)(1)). Apple does not take any position at this time on whether the above-referenced information meets the Ninth Circuit’s standard for filing under seal.

Dated: June 18, 2025

LATHAM & WATKINS LLP

By: /s/ Belinda S Lee

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